



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Planning Board

Monday, March 13, 2017

7:00 PM

Council Chambers

1 Call To Order

2 Roll Call and Declaration of Quorum

The meeting was called to order by Chair, David Douglass. Other members present were: Margaret Pinchbeck, Keith Elder, and Nick Kalogerakis.

Planner, Amanda Lessard, was also present.

3 [PB 17-015](#) Approval of Minutes: March 13, 2017

Attachments: [Minutes 3-13-17 - draft](#)

Keith Elder made a motion to approve the minutes of the February 27, 2017 meeting.

Seconded by Margaret Pinchbeck.

Vote: All in favor.

Margaret made a motion to take 17-03 Craig Road subdivision out of order.

Seconded by Keith Elder.

Vote: All in favor.

Public Hearing

4 Amendment to Town of Windham Land Use Ordinance, Chapter 140, Section 900 Subdivision Review. Proposed revision to standards related to subdivision development on or accessed by private roads.

There was no public comment. The public hearing was closed.

Continuing Business

5 [PB 17-016](#) Amendment to Town of Windham Land Use Ordinance, Chapter 140, Section 900 Subdivision Review. Proposed revision to standards related to subdivision development on or accessed by private roads.

Attachments: [PB Packet Subdivision Roads 03-08-17](#)[RoadAnalysis2015 map](#)[Private Road Development map](#)[Road construction costs](#)[Appendix B Street Standards](#)

Amanda Lessard explained:

- Town Council had been dealing with public safety issues caused by development on private roads.
- In 2009, private road standards had been adopted that were applicable to any new private road which was constructed as part of a subdivision or an extension of a private road. Any existing road, as of October 2009, could continue to exist without any upgrades even if there was development that was created along the road.
- There were some standards for the Planning Board to consider when discussing adequacy of access for subdivisions that were proposed at the end of existing private roads.
- The biggest problem seemed to be when there was multiple development all at one time at the end of a private road.
- The proposed amendment would clearly define what was adequate for roads that provided access to proposed subdivisions. In two sections of the subdivision standards it clarified that suitable improvements meant meeting the requirements of the ordinance for private roads.
- Costs of construction for a brand new private road were approximately \$100 per linear foot to meet the minor private road standard and \$150 per linear foot to meet the major private road standards. The cost of upgrading a private road would be something less than that.

The Board commented:

- The amendment was impractical. Many large parcels seemed to be located at the end of the private roads, rather than beginning. If you had to upgrade an existing road into the property there would be steep hills, narrow roads, no ditching, overhead power. If you touched ditches you had to undergo stormwater review and start building \$40,000 ponds to care for the water. No one could afford to develop land if they had to take care of the required improvements for the road.
- In 2009, the changes were to encourage people to come to subdivision review so there would be more control over what was being built.
- This would result in people dividing their property every five years and there still would not be improvements to the road because no one could afford it. The value of people's land would be lost. The State clearly allowed lot development every five years.
- This wouldn't fix it the problem.
- The shorter a road was the higher the linear foot cost. Some roads may cost twice the estimate.
- The process specified in the amendment was the norm in other towns.
- The first person to develop on a private road would bear all the cost even though it would benefit subsequent development and existing houses. This was not fair.
- The Board already had the option of discussing road adequacy with a developer.
- Something had to be done.

Amanda explained:

- The town could not impose an impact fee for private property. It was not a public

improvement so it could not construct the road on private property. The town could not take impact fees and give them to a road association.

- The obligation was on private development in order to gain approvals.
- The amendment was specifically related to subdivision review. There were certain exemptions to subdivision review. There was recent case law that it was a developer's responsibility to provide evidence to demonstrate to the town that they were not intentionally avoiding subdivision review. If the town felt a developer was avoiding subdivision review it could deny a building permit for the property.

Margaret Pinchbeck made a motion to recommend approval of the proposed amendment to Section 900 regarding the requirements for private roads providing access to proposed subdivisions based on the memo submitted to the Planning Board on March 8, 2017 from Amanda Lessard.

Seconded by Nick Kalogerakis.

Vote: Three in favor. Keith Elder opposed.

New Business

- 6 [PB 17-012](#) 17-03 Craig Road Subdivision. Minor subdivision sketch plan review. David Moore to request review of a three lot residential subdivision. The subject property is located at 15 Craig Road and identified on Tax Map: 4, Lot 31, Zone: Farm (F).

Attachments: [17-03 Craig Road Subdivision Sketch 03-07-17](#)
[17-03 SketchPlanApp-CraigRdSubdivision](#)
[17-03 SketchPlan-CraigRdSubdivision](#)

David Moore, the applicant, was present. He explained:

- There were two parcels adjacent to Anderson Road. One would measure almost two acres and the other almost four acres.
- Dwellings would face Craig Road.
- Driveways would be on Craig Road.

Amanda Lessard explained:

- The subdivision was a three lot division of a 42.75 acre property. One of the lots would be the retained homestead lot.
- Net residential density calculations had to be shown.
- Craig Road was a public gravel road.
- The driveway locations should be shown on the plan.
- The lot 2 test pit location appeared to be very close to the lot line. There was a question whether easements would be necessary, should the septic system be installed in that location.
- The town engineer had recommended that some waivers might be appropriate because there was sufficient acreage for stormwater quantity but he would like to see an individual lot erosion and sediment control plan.
- An abutter had told her there was an old cellar hole on lot 1 that used to be a one room school house. Minor subdivision did not require information regarding historic and archaeological resources. However, the Maine Historic Preservation Commission did show a historical site, the 18th and 19th century Craig Road Farmstead, in the area. It

was not on the national register of historic places and there were no prohibitions in other town ordinances regarding non-designated historic things.

The Board requested the location of utility easements to be shown on the plan.

Margaret Pinchbeck made a motion to schedule a sitewalk.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Margaret Pinchbeck made a motion to schedule a public hearing.

Seconded by Nick Kalogerakis.

Vote: All in favor.

Other Business

7 Adjournment

Keith Elder made a motion to adjourn.

Seconded by Margaret Pinchbeck.

Vote: All in favor.